

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:) Docket No. 2011A-EMS-0096-DHS
) (EMS No. 3553)
)
Arizona Ambulance of Douglas, Inc.) NOTICE OF HEARING AND APPOINTMENT OF
dba Arizona Ambulance Transport,) ADMINISTRATIVE LAW JUDGE
)
Applicant.)
)
)

PURSUANT TO an application filed on June 22, 2010, under the provisions of Arizona Administrative Code (A.A.C.) R9-25-905, Arizona Ambulance of Douglas, Inc. dba Arizona Ambulance Transport (Applicant) requests to amend its Certificate of Necessity (CON), No. 120. The Applicant proposes to expand its certificated service area to include the legal city boundaries of the City of Bisbee, which is a limited portion of the entire certificated service area of the City of Bisbee dba Bisbee Fire Department (CON No. 100). Applicant seeks to provide immediate response transports and scheduled interfacility transports solely as a backup CON provider in the City of Bisbee. Applicant will serve as a backup ambulance provider in the City of Bisbee to the existing CON holder, City of Bisbee dba Bisbee Fire Department (CON No. 100).

YOU ARE HEREBY NOTIFIED that pursuant to Arizona Revised Statutes (A.R.S.) § 36-2234, the Director of the Arizona Department of Health Services (Department) will consider the application to amend the CON in a public hearing. The Office of Administrative Hearings, on behalf of the Department, will conduct a hearing on January 25, 2011 at 8:00 a.m. in the Office of Administrative Hearings' conference room located at 1400 West Washington, Suite 101, Phoenix, Arizona 85007, to consider the following issues:

1. Whether public necessity requires the service or any part of the service proposed by the Applicant, and if such service would be in the public's best interests, as required by A.R.S. § 36-2233(B)(2) and A.A.C. R9-25-903.

1 2. Whether the Applicant's proposed service area, as set forth below, is in the best interests of the
2 public, or if some other service area should be granted by the Director of the Department, as required by: A.R.S. §
3 36-2232(A)(3); A.A.C. R9-25-903; and A.A.C. R9-25-905.

4 **Existing Service Area:**

5 1. Service Area

6 a. Cochise County, Arizona.

7 b. Excluding the following CON service areas:

8 City of Bisbee d.b.a. Bisbee Fire Department

9 Elfrida Fire District, dba Elfrida Ambulance Service

10 Fry Fire District

11 HealthCare Innovations, Inc.

12 Sunsites-Pearce Fire District

13 Whetstone Fire District, d.b.a. Whetstone Fire District Ambulance Service

14 **Proposed Service Area:**

15 1. Service Area

16 a. Cochise County, Arizona.

17 b. Excluding the following CON service areas:

18 City of Bisbee dba Bisbee Fire Department (CON No. 100) (See 1.c. below for exception)

19 Elfrida Fire District, dba Elfrida Ambulance Service (CON No. 17)

20 Fry Fire District (CON No. 18)

21 HealthCare Innovations, Inc. (CON No. 103)

22 Sunsites-Pearce Fire District dba Sunsites-Pearce Fire District Ambulance Service (CON NO.
23 33)

24 Whetstone Fire District dba Whetstone Fire District Ambulance Service (CON No. 119)

1 c. The legal city boundaries of the City of Bisbee. Arizona Ambulance Transport will provide
2 immediate response (911) and scheduled interfacility transports within the City of Bisbee, which
3 is a limited portion of the entire certificated service area of Bisbee Fire Department (CON No.
4 100). Arizona Ambulance Transport will serve as backup provider to Bisbee Fire Department
5 (CON No. 100).

6 3. The financial impact on other ambulance providers serving the area as required in A.A.C. R9-25-
7 903(A)(4), (B) & (C) and the impact on patient care as required in A.A.C. R9-25-905(B)(4).

8 4. No other changes to any of the terms under CON No.120 have been requested.

9 Details of the Applicant's request are open to the public and are contained in its application on file with
10 the Clerk of the Department, Office of Administrative Counsel and Rules, Arizona Department of Health Services,
11 1740 West Adams, Room 203, Phoenix, Arizona 85007.

12 **YOU ARE ADVISED** that the hearing will be conducted under the authority of, and in accordance with
13 A.R.S. Title 36, Chapter 21.1 and Title 41, Chapter 6, Article 10, and A.A.C. Title 9, Chapter 25, Article 9.

14 **YOU ARE FURTHER ADVISED** that failure to appear at the scheduled hearing may result in the
15 administrative law judge dismissing the matter or otherwise deciding the case against you.

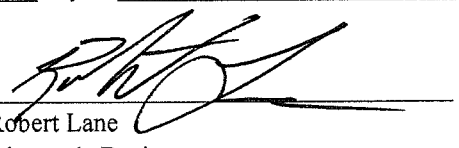
16 **THE OFFICE OF ADMINISTRATIVE HEARINGS** has appointed Thomas Shedden, Office of
17 Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826, as
18 administrative law judge, to conduct such hearings and issue such orders, pursuant to the Office of Administrative
19 Hearings' procedural rules and the procedural rules as the administrative law judge determines are necessary to
20 properly adjudicate the above captioned matter.

21 In accordance with A.R.S. § 41-1092.08, the administrative law judge shall submit to the Director of the
22 Arizona Department of Health Services, a written recommendation, including proposed findings of fact,
23 conclusions of the law and recommended decision regarding the disposition of this matter.
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1 The original of all correspondence and pleadings to be filed in the matter should be directed to the Office
2 of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826, with
3 copies to all other parties and to the agency at the address listed below.

4 Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by
5 contacting the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007,
6 (602) 542-9826. Requests should be made as early as possible to allow time to arrange the accommodation.

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8 Dated this 1st day of October, 2010

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11 Robert Lane
12 Director's Designee
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1 Copies of the foregoing sent by certified mail
On: October 1, 2010

2 To:

3 Edward Van Horne, Managing Partner
4 Arizona Ambulance of Douglas, Inc. dba
ARIZONA AMBULANCE TRANSPORT
P.O. Box 1689
5 Sierra Vista, AZ 85635

6 Copies of the foregoing sent by regular/interdepartmental mail
On: October 1, 2010

7 To:

8 Harry L. Eth, Health Program Manager
C.O.N. and Rates Section
9 ADHS/Bureau of Emergency Medical Services & Trauma System
150 N. 18th Avenue, Suite 540
10 Phoenix, Arizona 85007
Telephone: (602) 364-3166
11 FAX: (602) 364-3567

12 Kevin Ray, Assistant Attorney General
Office of the Attorney General
1275 West Washington
13 Phoenix, Arizona 85007
Telephone: (602) 542-8328
14 FAX: (602) 364-0700

15 Clerk of the Department
Office of Administrative Counsel and Rules
16 Arizona Department of Health Services
1740 West Adams, Room 203
17 Phoenix, Arizona 85007-3248
Telephone: (602) 542-1020
18 FAX: (602) 364-1150

19 Jack Earnest, Fire Chief
City of Bisbee dba
BISBEE FIRE DEPARTMENT
20 192 Hwy. 92
Bisbee, AZ 85603

21 Thomas Shedden
22 Administrative Law Judge
Office of Administrative Hearings
1400 West Washington, Suite 101
23 Phoenix, AZ 85007
(602) 542-9826/(602) 542-9827 Fax
24
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